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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,346	10/25/2001	John W. von Holdt SR.	10778.00008	8313
22908	7590	03/11/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,346	VON HOLDT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 18 January 2005.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1,3,4 and 8-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,3,4 and 8-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states that the bucket wall is formed with an annular lip, the annular lip includes (1) a first diagonal path, annular wall portion (fdpawp), a first vertical wall portion (fvwp), a vertical rim (vr) and a single, horizontal annular flange (shaf), and the shaf extends radially from the centerline axis a distance greater than the outside wall radius of the bucket wall. Since the outside wall of the bucket and the outer extent of the shaf can be the same element, this limitation is not well understood since the same element could not extend a greater distance outward than itself. If the shaf is differentiated from the annular lip and the bucket wall, then this limitation would have a specific meaning.

Claims 9 and 10 are indefinite because their preamble states “the combination” and this preamble doesn’t match the preamble of claims 1, 3, 4 and 8.

The claims have been interpreted insofar as the shaf extends outward of a lower section of the bucket wall.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Letica ('080)(Letica 1), Letica ('805)(Letica 2) and Letica ('119) (Letica 3).

Letica 1 discloses the invention as best shown in Fig. 3, Letica 2 discloses the invention as best shown in Fig. 3, 5 and 7 (Fig. 3 and 7 are explained) and Letica 3 discloses the invention as best shown in Fig. 3 and 5 (Fig. 3 explained).

Letica 1, Letica 2 and Letica 3 disclose a plastic bucket comprising an upright, annular bucket wall (sidewall 22) having an outside wall radius (on a lower wall section) and an inside wall radius (on a lower wall section) and connecting to an annular lip, the annular lip comprising a first diagonal path, annular wall portion (fdpawp) extending upwardly and inwardly from the bucket wall along a diagonal path (at inset wall 34), then in an upright vertical direction forming a first vertical wall section (fvws) (connecting wall 30) having an outside radius and an inside radius, then outwardly in a single, horizontal, annular flange (shaf) (inset wall 36), and then upwardly in a vertical rim (vr) (that portion of the annular lip above second leg 41 and below bead 44 which includes portions of the arcuately shaped locking lip 46 at the inside rim wall), the vertical rim having an inside rim wall and an outside rim wall, the outside rim wall having a radius less than the inside wall radius of the (lower portion of the) annular bucket wall.

Although no dimensions are discussed, it is readily apparent from Fig. 3, 5 and 7 that the relationship of the outside rim wall having a radius less than the inside wall radius of the annular bucket wall exists. All other radial dimension limitations are clearly shown.

Note that the a shaf could be sloped with respect to true horizontal as the broadest definition of horizontal is defined as: of, relating to, or near the horizon. The sloped line of the shaf is near the horizon.

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Note that the word "single" in the term "single, horizontal annular flange" is defined as: separate from others; individual and distinct. Therefore, "single" doesn't preclude the existence of other horizontal annular flanges as the top of the vertical rim of the present invention includes an outwardly extending horizontal, annular flange.

The shaf doesn't directly connect to the vertical rim but is indirectly connected through connecting flange 38 and second leg 41.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt.

Holt discloses a plastic bucket as shown in Fig. 4, 5A, 5B and 7 comprising: a bucket wall integrally molded with and connected to, a first, diagonal path, annular wall portion (fdpawp), a first vertical wall section (fvws), a vertical rim (vr) and a single, horizontal annular flange (shaf) as shown and delineated in the attached appendix showing an enlarged copy of Fig. 7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letica 1, Letica 2 and Letica 3 in view of Zeni et al. (Zeni) and Holt.

This rejection is made if it should be deemed that the single, (sloped) horizontal, annular flange is not horizontal and if it should be deemed that the indirect connection of the single, horizontal, annular flange to the vertical rim is insufficient.

Each of the Letica references discloses the invention except for the shaf being true horizontal and the direct connection of the shaf to the vertical rim. The teachings of Holt are as previously disclosed. Zeni teaches a similarly constructed annular lip with a diagonal path annular wall portion (7), a first vertical wall section (vertical portion of E-band 6), a generally vertical rim (vertical upwardly and outwardly extending portion of L-shaped wall 5) and a single, horizontal (true horizontal), annular flange (the uppermost portion of the E-band 6) integrally joining and directly connected to the first vertical wall section and the generally vertical rim. It would have been obvious to modify the single, horizontal, annular flange to be parallel to true horizontal as a matter of engineering design choice in choosing a section configuration which provides the ultimate amount of hoop strength by being perpendicularly oriented to the general direction (vertical) the sidewall traverses. It would have been obvious to modify the shaf to directly connect the vertical rim to provide increased stiffness from inward and outward radial motion and deflection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

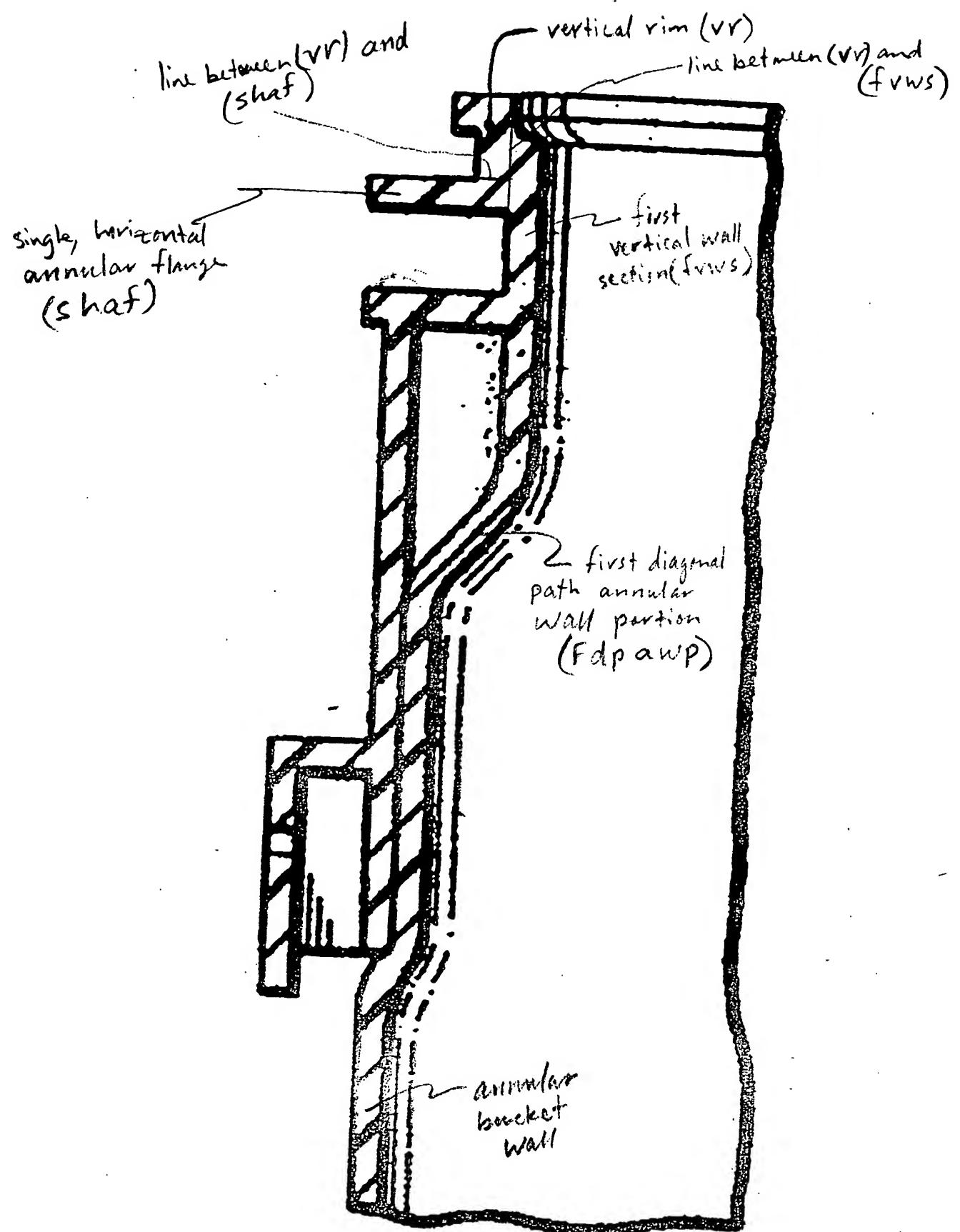
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc

## **APPENDIX**



(Fig. 7 enlarged)